

03500.015410

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
HIDEKI SATO) Examiner: A. Chang
Application No.: 09/871,630) Group Art Unit: 2872
Filed: June 4, 2001)
For: DIFFRACTIVE OPTICAL)
ELEMENT) August 18, 2004

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed below and on the enclosed Form PTO-1449. Copies of the listed documents are also enclosed.

FOREIGN PATENTS:

<u>Patent No.</u>	<u>Country</u>	<u>Publication Date</u>
63-158245	Japan	June 18, 1990
2000-75118	Japan	March 14, 2000
10-274705	Japan	October 13, 1998

REMARKS

The JP '245, JP '118 and JP '705 patent documents were cited during prosecution of a corresponding Japanese application. In a notice of reason for rejection issued on November 11, 2003, the Japanese Examiner stated that the JP '245 and JP '118 patent documents teach the feature of two optical members disposed in proximity to each other with an air space therebetween, and that the JP '705 patent document teaches the feature that an aligning mark may be formed on a diffractive optical member using a mold, and that the invention as claimed in the corresponding Japanese patent application would be obvious to those skilled in the art by combining those technologies. Also, a decision of final rejection issued on February 5, 2004 sets out in the remarks that it is a matter of design choice by those skilled in the art that alignment is made between two optical members while observing a mark present in an optically effective area on each member and the depth of the mark is less than a predetermined value so as to suppress degradation of optical performance due to scattered light occurred at the side surface of the mark or the like.

Neither the Japanese communications nor English translations of the Japanese patent documents are readily available to Applicant's attorney, but may be provided if required by the Examiner. In this regard, U.S. Patent No. 6,587,272 corresponds to the JP '118 patent document. English abstracts obtained from a commercial data base also are provided for the JP '245 and JP '118 patent documents. An English abstract for the JP '705 patent document also is provided by the Applicant for the Examiner's consideration.

FEE STATEMENT

The present Information Disclosure Statement is being filed together with a Request for Continued Examination. Accordingly, Applicant believes that no fee is

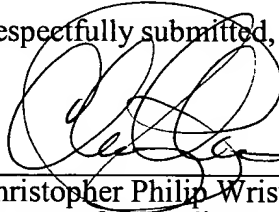
required. Nevertheless, the Commissioner is authorized to charge any fee necessitated by this paper to Deposit Account No. 06-1205.

CONCLUSION

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Applicant's undersigned attorney may be reached in our Washington D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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